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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,638	12/27/2001	Youichi Hasegawa	111584	7760

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EXAMINER

COMAS, YAHVEH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,638	HASEGAWA ET AL.	
	Examiner	Art Unit	
	Yahveh Comas	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>403</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the partition plate integrated with the motor case must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Reference character "20" has been used to designate the "bolt" and the "outer air vent" (page 6, line 4).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohya et al. U.S. Patent No. 5,844,336.

Ohya disclose a starter (1) for internal combustion engine comprising an armature having a armature shaft (4), a motor case (44)for accommodating said armature, a planetary gear speed reduction mechanism (2) connected to said armature shaft (4) at the end of said armature shaft (4). Also disclose a frame (17) coupled with the motor case (44) for covering the planetary gear speed reduction mechanism (2), and a partition plate (43) disposed between the motor case and the frame (17) for forming a motor chamber and a speed reduction chamber, wherein the partition plate (43) has an armature shaft hole and a chamber connection passage between the armature shaft hole and the armature shaft for connecting the motor chamber and the speed reduction chamber, and a circumferential groove is formed between the partition plate that is part of the speed reduction chamber and the frame to connect the speed reduction chamber and the outside. Ohya disclose a seal member (12) and the use of a plurality of projection (52a) projects into the circumferential groove in combination with the seal member (12) to form a labyrinth and prevent the water in the drain channel (51) (column 6, line 5-20, see also fig 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 and 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohya et al. U.S. Patent No. 5,844,336 in view of Spellman et al. U.S. Patent No. 5,307,700.

Ohya, as applied in claim 1 above, disclose the claimed invention except for a through bolt for fastening the motor case to the frame wherein the circumferential groove opens outside at an outer vent disposed behind the through bolt. The frame has a cylindrical wall and a flange having a female screw for said trough bolt, and the outer vent is disposed behind the cylindrical wall.

However, Spellman disclose the use of a through bolt for fastening the motor to the frame wherein the circumferential groove opens outside at an outer vent disposed behind the through bolt. Also he disclose that the frame has a cylindrical wall and a flange having a female screw for said trough bolt, and the outer vent is disposed behind the cylindrical wall (see figure 1).

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modified Ohya 's invention and use a through bolt for fastening the motor to the frame in such way that the circumferential groove opens outside at an outer vent disposed behind the through bolt.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohya et al. U.S. Patent No. 5,844,336.

Ohya disclose the claimed invention except for an outer vent opened by drilling.

However, Ohya discloses (column 6, lines 5-18) that if the outer vent is already part of the housing the manufacturing cost can be reduce. Also is already known in the art that by drilling you can make ventilation holes for the purpose of ventilation. Therefore, it would have been

obvious to one having ordinary skill in the art at the time of the invention was made to modify Ohya's invention and made the outer ventilation by drilling instead of making this ventilation hole part of the structure for the purpose of reduce manufacturing cost.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohya et al. U.S. Patent No. 5,844,336 as applied to claim 1 above, and further in view of Isozumi U.S. Patent No. 5,156,057.

Ohya, as applied in claim 1, disclose the claimed invention except for the partition plate be integrated with the motor case. However, Isozumi disclose a starter with a partition plate integrated with the motor housing (2) for the purpose of supporting the front-end portion of the armature shaft (53). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ohya invention and made the partition plate integrated with the motor housing for supporting the front end portion of the armature shaft.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC
April 5, 2003



NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800